

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD FEBRUARY 23, 2016**

CALL TO ORDER

At 7:05 p.m. Mayor Woodruff called the meeting to order and stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Mr. Faecher was absent. Also present were Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

FLAG SALUTE

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

The Mayor stated a welcomed to everyone, especially friends and families of the three Officers who were going to be sworn in. He asked Chief DiPasquale to come forward.

OATH OF OFFICE AND PRESENTATION –

Sergeant – Michael Gallaro

Sergeant – Andrew Glaydura

Sergeant - Jason Massimino

Speaking to the Mayor, Council members, members of the community, friends, family, and fellow law enforcement officers, Police Chief John DiPasquale welcomed and thanked them for being there. The Chief recognized special guests including Captain Russo, Ted Romankow, and Chief James Wozniak.

The Chief spoke about the honor of formally recommending that Officer Jason Massimino, Officer Andrew Glaydura and Officer Michael Gallaro be sworn in as Patrol Sergeants. He asked the officers to join him at the front of the room. The Chief congratulated the officers for successfully completing the comprehensive and competitive selection process for the rank of Sergeant. He further elaborated. Chief DiPasquale thanked the Mayor and the Council for their support of these and other recent promotions but also for the support of the entire department.

The Chief spoke about the background and accomplishments of Officer Jason Massimino. The Mayor administered the Oath of Office of Police Sergeant to Jason Massimino.

The Chief spoke about the background and accomplishments of Officer Andrew Glaydura. The Mayor administered the Oath of Office of Police Sergeant to Andrew Glaydura.

The Chief spoke about the background and accomplishments of Officer Michael Gallaro. The Mayor administered the Oath of Office of Police Sergeant to Michael Gallaro.

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Chief DiPasquale thanked everyone for coming to tonight. The Chief spoke about the job of being a Police Sergeant and elaborated. He offered congratulations to the Police Sergeants.

The Mayor offered his congratulations to the Police Sergeants and their families. The Mayor gave a special note to Chief DiPasquale and his two lieutenants who worked hard to make this process fair and complete.

EXECUTIVE SESSION - Attorney/Client Privilege-Litigation-Affordable Housing

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:20 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:08 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

CONFERENCE SESSION –

Mr. D'Aquila stated he had nothing for Conference Session.

Mr. Delia stated he would bring “it up” in Council Reports.

Mr. Pirone had nothing to report.

Mr. Pastore stated that the Communications Committee met this past week, he was unable to attend, and the Committee is now putting their meetings on TV stations (Channels 34 and 46.) Mrs. Kingsley and Mr. Pastore further elaborated.

Mr. Kingsley stated that she didn't have anything to report for Conference.

The Mayor stated that he didn't have anything for Conference.

TOWNSHIP COUNCIL REPORTS

Mr. D'Aquila – Mr. D'Aquila congratulated the new Sergeants.

Mr. Delia – Mr. Delia suggested that Mr. Vito Mondelli's donated picture/map be hung in the Council Chambers. Discussion ensued.

Mr. Delia proposed: 1) that the Church property not be purchased, 2) that the Library not be moved, 3) that we make the Library ADA compliant and 4) if needed, build a Library addition. Such a move, Mr. Delia continued: 1) would allow for a larger Library than we are proposing, 2) allow more room back

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here and if needed, a gym. He elaborated on his proposal. Discussion ensued on adding to the back of the building and whether it was Wetlands. Mr. Delia further discussed his proposal to not move the Library. Mrs. Kingsley responded, including stating that 1) the biggest advantage to dealing with the Little Flower property is that it is a financing vehicle, 2) spoke about the opportunity to add a rateable, and 3) addressed the Gym proposal. Mr. Delia responded that the Gym was a partial idea. He addressed the Financing issue and elaborated. Mr. Delia stated that we should not be in the Real Estate business. He discussed the number of units proposed. Mr. Delia stated that he had been against the real estate portion of this. He reiterated that leaving the Library where it is and spending money to fix it would save us a ton of money and elaborated. Mr. Bussicula stated that the usable floor space is better in this building than what we have now in the Library.

Mr. Pirone – Mr. Pirone had nothing to report.

Mr. Pastore – Mr. Pastore had nothing to report.

Mrs. Kingsley - Mrs. Kingsley stated that since Mr. Faecher was absent, she had a brief update: we have, as a Council, received several letters and emails from residents about the Redevelopment presentation which was given that Saturday, and people have been asking questions about Recreation space and potential gym space. Mrs. Kingsley stated that per Mr. Faecher: 1) our professionals have spoken to Mr. Barton and some of his staff and 2) they have spoken to the residents and they are looking at options. She elaborated.

Mayor Woodruff – The Mayor had nothing to report.

Mr. Bussicula – Mr. Bussicula reported: 1) Passaic River update – we finished with the County on 12/11; contracted vendor will return in the Spring; 2) Inlet repair update; 3) Recycling Bid package has been sent out. April 12th is Bid receipt date; 4) working on the Kingman Road/Free Acres dispute; 5) Water main extension work on Roosevelt and Hamilton; 6) Fire Department sleeping quarters; 7) Littell Lord Museum Improvements; 8) Floodlights replacement at the Train Station and Town Hall, and Lighting work at the Library; 9) Trucks were cleaned after last storm; 10) Salt Delivery expected; 11) Leaf removal; 12) Pothole update; 13) Bicycle Grate Update; 14) Park Update; 15) Another auction is scheduled; 16) Website Update; 17) Building Department update including numbers for applications, permits, plans reviewed and fees collected; 18) Hotel update; 19) Recreation's Spring Brochure and Registration Update; 20) In regards to Clean Up, Mr. Bussicula stated that we were wondering if we should have the Bulk Pickup in the Spring or again in the Fall and elaborated. Ms. Minkoff stated that people like the Fall. Mrs. Kingsley suggested that the Press here cover the question and if anyone has an opinion to get back to Ms. Minkoff or the Council with their preference. Discussion ensued; 21) GRA's Business Certificate Update.

The Mayor asked about the Brine situation. Mr. Bussicula responded.

In regards to Affordable Housing, the Mayor spoke about the dilemma which faces most municipalities in the State. He stated that the Council has put together a primer on the history of Mount Laurel to today. The Mayor stated that a 2 page document is being put together which sets forth what the Affordable Housing situation is, what we are facing, and what we are trying to do. He stated that they hope to get that out to the public within the next week. The Mayor and Mrs. Kingsley elaborated.

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Moved by Mr. D'Aquila to approve the Township Council and Administration Reports, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

APPROVAL OF MINUTES

Moved by Mr. Pirone to approve the following minutes, seconded by Mr. Pastore and upon roll call vote:

**Public Meeting – January 1, 2016
Public Meeting -- January 12, 2016**

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

HEARING ON AGENDA ITEMS ONLY

Moved by Mrs. Kingsley to open the Hearing on Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

In regards to the resolution regarding drilling, Ms. Carol Matula of 5 Hastings Road asked whether they would be looking for organic compounds and elaborated. Mr. Bocchino responded. Discussion ensued.

Hearing no voices, moved by Mrs. Kingsley to close the Hearing on Agenda items, seconded by Mr. D'Aquila and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

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RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated February 23, 2016 in the amount of \$251,525.05.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Mr. Pastore introduced the following resolution:

2. Resolution accepting the donation from Mr. Mondelli, for a portion of his property identified as Block 614, Lot 3, 182 Plainfield Avenue to be utilized as a permanent park for the public to enjoy.

Moved by Mr. Pastore to approve resolution #2, seconded by Mr. Pirone and carried.

Mr. Delia stated that not many people do stuff like this and elaborated. He stated that not many residents like Vito give their entire estate to a Township and elaborated. Mrs. Kingsley stated that she echoed that and elaborated.

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Mrs. Kingsley introduced the following resolution:

3. Resolution authorizing a Professional Services Agreement with Melick-Tully and Associates, P.C., for the provision of geotechnical subsurface investigation services in connection with the redevelopment of the municipal complex.

Moved by Mrs. Kingsley to approve resolution #3, seconded by Mr. Pirone and carried.

Mr. Delia stated that he would vote no. He stated that what bothered him the most was that this was not awarded in a fair and open process and elaborated. Mr. Bussiculo responded.

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Upon roll call vote:

Ayes: Mr. D'Aquila, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: Mr. Faecher

Mr. Pirone introduced the following resolution:

4. Resolution authorizing the grant application for the Lawrence Drive Roadway Resurfacing Project.

Moved by Mr. Pirone to approve resolution #4, seconded by Mr. Pastore and carried.

Mrs. Kingsley asked is this was for the grant that was due on Friday. Discussion ensued.

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Mr. D'Aquila introduced the following resolution:

5. Resolution authorizing an Interlocal Agreement with the Township of Millburn and the Township of Livingston for the provision of animal control services for the Township.

Moved by Mr. D'Aquila to approve resolution #5, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Mr. Delia introduced the following resolution:

6. Resolution authorizing an emergency contract for the recycling services with the Giordano Company for a period of three (3) months, commencing as of January 1, 2016 to ~~March 31, 2016~~ **April 30, 2016**, at the same terms, conditions and rates set forth in the original contract. (**AMENDING RESOLUTION #54-2016**)

During the resolution reading, Mr. Bussiculo stated that the period should be four (4) months.

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Moved by Mr. Delia to approve resolution #6, seconded by Mr. Pastore and carried.

Mr. Sordillo noted that all references in the resolution should state four (4) months versus three (3) months.

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:
(7. a - b)**

- a. Resolution authorizing the Tax Collector to refund the Tax Sale Certificate # 11-00003, in the amount of \$9,600.00 to Havid Development LLC, for property located at 74 Park Avenue.
- b. Resolution authorizing a release of a Performance Bond, in the amount of \$700.00, to Daniel & Linda Place, 60 Riceman Road for a Street Opening Permit #3200.

Moved by Mr. Pastore to approve Consent Agenda Resolutions #7 a through b, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Mrs. Kingsley introduced the following resolution:

8. Resolution authorizing the Memorandum of Understanding with Berkeley Developers to memorialize the agreed upon terms of the age-restricted, residential rental development of the Locust Avenue Site, with an inclusionary affordable housing component.

Moved by Mrs. Kingsley to approve resolution #8, seconded by Mr. Pirone and carried.

Mr. Delia stated that he would like to make a plea. He stated that he knew it was time sensitive. He stated that 1) it was a very serious thing and 2) the residents have no knowledge of this going on. He stated that it was just put on the Agenda today/tonight and elaborated.

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Upon roll call vote:

Ayes: Mr. D'Aquila, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: Mr. Faecher

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for March 8, 2016.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Acceptance of the Dedication of the Right-of-Way Known as Treetop Court in the Township of Berkeley Heights.”

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on the first reading, that March 8, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

CITIZENS HEARING

Moved by Mr. Delia to open the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

In regards to the discussion about current Library usable floor area and the proposed plan, Dr. Foregger of 14 Dorsett Road, asked for the two numbers, current usable and proposed usable. Mr. Bussiculo and Mrs. Kingsley responded.

In regards to Number 8, Mr. Sander Raaymakers of Timber stated that he didn't realize that was something to be voted on tonight. Mr. Raaymakers stated that 1) he had been here several times about 100 Locust and 2) he lives right behind it. He asked why this decision was made and elaborated. The Mayor responded. Mr. Raaymakers asked why time was of the essence. The Mayor and Mr. Sordillo responded. Mr. Raaymakers asked if we have control now. The Mayor responded. Mr. Raaymakers asked what control he had in terms of the plan. Mrs. Kingsley responded. Mr. Raaymakers asked if this information was available. Mr. Sordillo responded. Mr. Bussiculo asked if we control height, setback and what it is going to look like. Mr. Sordillo responded. Further discussion ensued. Mr. Raaymakers asked about the

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acreage and density. Mrs. Kingsley, Mr. Bussiculo and Mr. Sordillo responded. Mr. Raaymakers commented on the height.

Mr. John Sincaglia of 22 Robbins Avenue asked whether the developer, at one point, spoke about 300 units. He asked whether there would be 196 over-55 units and elaborated. Mrs. Kingsley responded. In regards to the County work done on the bridge at Springfield Avenue by Robbins Avenue, Mr. Sincaglia asked if we can we put pressure on the County to get that fixed properly. Mr. Bussiculo and Mr. Bocchino responded.

Ms. Carol Matula of 5 Hastings Road asked what is our proposed obligation for affordable units. Mr. Sordillo, Mr. Bussiculo and the Mayor responded. Ms. Matula asked how the Development on Locust Avenue would be configured. Mr. Sordillo responded. Ms. Matula asked if this was going to be a condo community. Mr. Sordillo and Mr. Bussiculo responded.

On behalf of the Cultural Events Committee, Mr. Stephen Yellin of 130 Dogwood Lane announced that the third event of the year will be a celebration of the Jewish holiday, Purim and elaborated. Mr. Yellin asked whether the Library would be closed for a period of 2 years as part of this Agreement. Discussion ensued. Mr. Yellin asked whether the Library will be closed for a period of time. Discussion ensued (Mr. Sordillo, Ms. Bakos.)

Hearing no voices, moved by Mr. Delia to close the Citizens Hearing, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

ADJOURNMENT

Moved by Mrs. Kingsley to adjourn, seconded by Mr. D'Aquila, and upon roll call vote:
(8:56 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Approved: March 22, 2016